



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Tsukasa Kobayashi                      **Examiner:** Unassigned  
**Serial No.:** 10/760,058                      **Art Unit:** 3731  
**Filed:** January 16, 2004                      **Docket:** 17365  
**For:** CLIP DEVICE FOR HOLDING                      **Dated:** May 25, 2004  
A LIVING TISSUE  
**Conf. No.:** 8946

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT PURSUANT TO 37 C.F.R. § 1.704(d)**

Sir:

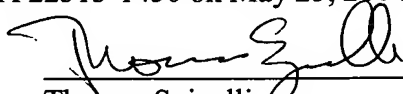
I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

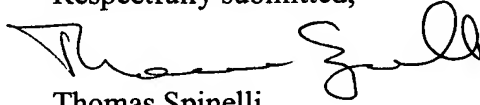
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450 on May 25, 2004.

Dated: May 25, 2004

  
Thomas Spinelli

Therefore, this Information Disclosure Statement cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c) (8), (c) (9), or (c) (10) of 37 C.F.R. § 1.704.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli", written over the printed name.

Thomas Spinelli  
Registration No. 39,533

Scully, Scott, Murphy & Presser  
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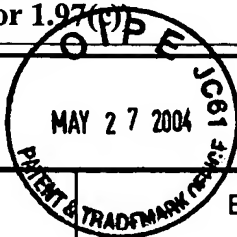
(FW)

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) and 1.97(c))			Docket No. 17365
In Re Application Of: Tsukasa Kobayashi			
Serial No. 10/760,058	Filing Date January 16, 2004	Examiner Unassigned	Group Art Unit 3731
Title: CLIP DEVICE FOR HOLDING A LIVING TISSUE			
<p>Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p><b>37 CFR 1.97(b)</b></p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p><b>37 CFR 1.97(c)</b></p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p>OR</p> <p><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>			

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
17365

In Re Application: Tsukasa Kobayashi



Serial No.  
10/760,058

Filing Date  
January 16, 2004

Examiner  
Unassigned

Group Art Unit  
3731

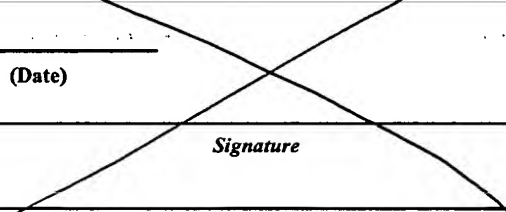
**CLIP DEVICE FOR HOLDING A LIVING TISSUE**

**Payment of Fee**

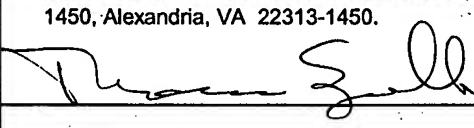
(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

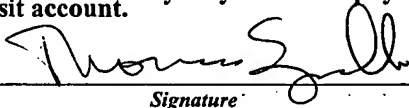
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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:	
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_____ Signature	
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**Certificate of Mailing by First Class Mail**

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_____ Thomas Spinelli	

**\*This certificate may only be used if paying by deposit account.**

  
Signature

Dated: May 25, 2004

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TS:jap

CC:



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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

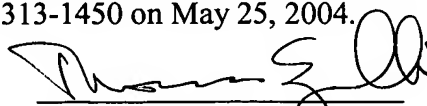
1. United States Patent Application Publication No. 2002/0045909 A1,  
issued to Kimura et al., dated April 18, 2002;
2. United States Patent Application Publication No. 2002/0151916 A1,  
issued to Muramatsu et al., dated October 17, 2002;

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2004.

Dated: May 25, 2004

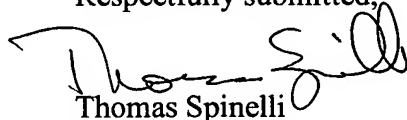
  
Thomas Spinelli

3. United States Patent Application Publication No. 2002/0173805 A1, issued to Matsuno et al., dated November 21, 2002; and
4. European Patent Application Publication No. EP 0 738 501 A1, dated October 23, 1996.

The references were cited in a Search Report dated April 14, 2004 received from the European Patent Office. Applicant is submitting a copy of reference 4, together with a copy of the Search Report. In accordance with the waiver of 37 C.F.R. § 1.98 (a)(2)(i) in effect as of June 30, 2003, applicant is not required to submit copies of the above-cited U.S. Patent references. The relevance of the above-identified references has been described in the Search Report.

Further, the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Also enclosed is a statement pursuant to 37 C.F.R. § 1.704(d).

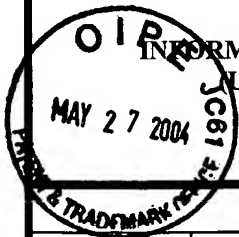
Respectfully submitted,



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400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

TS:jap



**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Docket Number (Optional)  
**17365**

Application Number  
**10/760,058**

Applicant(s)

**Tsukasa Kobayashi**

Filing Date

**January 16, 2004**

Group Art Unit

**3731**

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		2002/0045909 A1	4/18/2002	Kimura et al.			
		2002/0151916 A1	10/17/2002	Muramatsu et al.			
		2002/0173805 A1	11/21/2002	Matsuno et al.			

**FOREIGN PATENT DOCUMENTS**

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		EP 0 738 501 A1	10/23/1996	EPO				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

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**EXAMINER**

**DATE CONSIDERED**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.